



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

November 3, 2010

✓ David J. Neighbors, Candidate

David J. Neighbors for Berryessa School Board 2010

Redacted

Warning Letter Re: FPPC No. 10/955, David J. Neighbors

Dear Mr. Neighbors:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged your committee, David J. Neighbors for Berryessa School Board 2010, did not file the preelection campaign report due October 5, 2010.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you and your committee, David J. Neighbors for Berryessa School Board 2010, did not file the preelection report due October 5, 2010.

The Act provides that a committee's failing to file a required campaign report is a violation. Specifically, the Act requires candidates and their controlled committees to file preelection reports disclosing contributions received and expenditures made in two time periods before an election. Because you became a candidate for Berryessa School Board 2010 on July 15, 2010, with the filing of your Candidate Intention Statement, you were required to file your first preelection report on October 5, 2010, covering the period January 1, 2010, through September 30, 2010. (Section 84200.5, subd. (b).)

Your actions violated the Act because your disclosure of expenditures was consistently inaccurate. Because, however, you timely filed the campaign report due on the date of the second

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

preelection report and covered the period going back to January 1, 2010, we have decided to close this case.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

If you have questions regarding this matter, please contact Adrienne Korchmaros at (916) 322-8241.

Sincerely,

Redacted

✓ Gary S. Winuk, Chief
Enforcement Division

GSW:AK:ak

cc: Jacquie Heffner